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Client Reference: P-1529.010-US



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 3987

VAN DIJK ET AL.

Application No.: 10/806,345

Group Art Unit: 2851

Filed: March 23, 2004

Examiner: P. KIM

Title: TRANSFER APPARATUS FOR TRANSFERRING AN OBJECT, LITHOGRAPHIC APPARATUS EMPLOYING SUCH A TRANSFER APPARATUS, AND METHOD OF USE THEREOF

April 10, 2007

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action, dated March 20, 2007, Applicant hereby elects Group I, corresponding to claims 1-12, for prosecution in the application identified above. This election is made with traverse.

In connection with the Restriction Requirement, the Office Action alleges that "because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination as indicated is proper." Applicant respectfully disagrees.

Applicant respectfully submits that the search and examination required for any Group necessarily include the search and examination required for the remaining Group. Claim 1 of Group I recites a transfer apparatus for transferring an object, comprising "a gripper for at least one of (a) gripping the object at a first position and releasing said object at a second position proximate to a receiver and (b) releasing said object at a first position after gripping said object at a second position proximate to said receiver; a measurement device configured to measure a relative position of said gripper with respect to said receiver in at

least one direction, wherein a relative position error is determined with respect to a desired relative position based on the measured relative position and the relative position of the gripper and said receiver is adjusted based on the reduction of the relative position error in the second position.” Claim 13 of Group II recites a lithographic apparatus comprising, *inter alia*, “a transfer apparatus for transferring said patterning device, wherein said transfer apparatus comprises: a gripper for at least one of (a) gripping said patterning device at a first position and releasing said patterning device at a second position proximate to said support structure and (b) releasing said patterning device at a first position after gripping said patterning device at a second position proximate to said support structure, and a measurement device configured to measure a relative position of said gripper with respect to said support structure in at least one direction, wherein a relative position error is determined with respect to a desired relative position based on the measured relative position and the relative position of said gripper and said support structure is adjusted based on the reduction of the relative position error in the second position.” Dependent claims 2 and 3 of Group I recite that the object comprises a substrate or a mask and that the receiver comprises a substrate holder or a mask support structure.

Therefore, it is respectfully submitted that any search designed to identify documents relevant to the patentability of Group I will employ the same or similar search terms and techniques as Group II and, therefore, yields the same or similar documents as a search designed to identify documents related to Group II. As a result, the criteria for a proper restriction requirement set forth in MPEP § 803 have not been satisfied. MPEP § 803 states “if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” (Emphasis added).

Furthermore, it should be noted that the terms used in the dependent claims of Group I are substantially the same as the terms used in the dependent claim of Group II, further minimizing the burden involved in co-examination.

In addition, Applicant respectfully submits that independent claim 31 should be part of Group I. Claim 31 recites a method of transferring an object via a gripping device, said method comprising “gripping with said gripping device at least one of said object at a first position and releasing said object at a second position proximate to a receiving structure and releasing said object at a first position after gripping said object at a second position proximate to said receiving structure; measuring a relative position of said gripping device

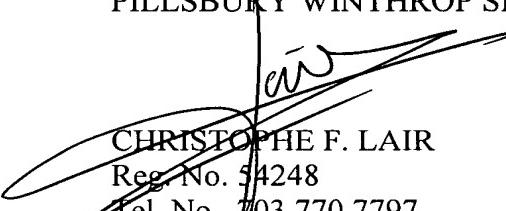
with respect to said receiving structure in at least one direction; determining a relative position error with respect to a desired relative position based on the measure relative position, and adjusting relative position of said gripping device and said receiving structure to minimize the relative position error in the second position.” Thus, Applicant respectfully requests that claim 31 be grouped with claims 1-12.

Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

  
CHRISTOPHE F. LAIR  
Reg. No. 54248  
Tel. No. 703.770.7797  
Fax No. 703.770.7901

CFL/smm  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900